

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
OF THE
SEVENTY-FIFTH LEGISLATURE

OF THE
STATE OF MAINE.

1911

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PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-fifth
Legislature

1911

CHAP. 287

Chapter 287.

An Act to incorporate the Anson Water Company.

Be it enacted by the People of the State of Maine, as follows :

Corporators.

Section 1. Wilbur C. Simmons, Henry B. Merry, Frank Donley, F. W. Bunker, of Anson in the county of Somerset and Lewis L. Wadsworth of Winchester in the commonwealth of Massachusetts, with their successors and associates, are hereby made a body corporate by the name of the Anson Water Company, for the purpose of conveying to and supplying the inhabitants of the said town of Anson, or any water company or adjoining town that may contract with the said Anson Water Company, with water for domestic, sanitary, municipal and commercial purposes, with all the rights and privileges, and subject to the liabilities and obligations of similar corporations under the general laws of this state.

—corporate name.
—purposes.

May take and hold necessary estate.

Section 2. Said corporation may take and hold by purchase or otherwise, real and personal estate necessary and convenient for the purposes aforesaid not exceeding eighty thousand dollars.

Sources of water supply.

Section 3. For any of the purposes aforesaid, or for the preservation and purity of said water, said corporation is hereby authorized to take and use water, from Embden pond or Mill stream, so-called, to survey for, locate, lay, erect and maintain suitable dams, reservoirs, machinery, pipes, aqueducts and fixtures; to carry its pipes or aqueducts over or under any water course, bridge, street, railroad, highway or other way; and said corporation is further authorized to enter upon and excavate any highway or other way in such a manner as to least obstruct the same.

—may lay pipes, maintain dams, reservoirs, etc.

—may lay pass over and excavate lands.

To enter, pass over and excavate any lands, and in general to do any act necessary, convenient or proper, for carrying out any of the purposes hereinbefore specified. And said corporation may establish written regulations for the use of said water, and change the same from time to time.

Shall file plans in the registry of deeds of Somerset county.

Section 4. Said corporation shall file in the registry of deeds in the county of Somerset, plans of the location of all lands and water rights taken under the provisions of this act, and no entry shall be made upon any lands except to make surveys, until the expiration of ten days from said filing; and with such plan the corporation may file a statement of the damages it is willing to pay to any person for any property thus taken, and if the amount finally awarded does not exceed that sum, the corporation shall recover costs against said person, otherwise such person shall recover costs against the corporation.

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Section 5. Said corporation shall be held to pay all damages that shall be sustained by any person or persons, to themselves or their property, occasioned by the use of said streets and ways, and shall pay to said town all sums recovered against said town of Anson, from obstructions occasioned by said corporation, and for all expenses including reasonable counsel fees, incurred in defending such suits, with interest on the same, but said corporation may assume the defense of suits brought to recover damages as aforesaid; and also for damages sustained by any person or persons by the taking of any lands, water, rights of way, or other property, or by excavating through any land for the purpose of surveying, locating, laying or building dams, reservoirs, pipes and aqueducts, and for any other injuries resulting from said acts; and if any person sustaining damages as aforesaid shall not agree with said corporation upon the sum to be paid therefor, either party, upon petition to the county commissioners of Somerset county, within twelve months after plans are filed, may have said damages assessed by them, and subsequent proceedings, and rights of appeal thereon, shall be had in the same manner and under the same conditions, restrictions and limitations as are by law prescribed in the case of damages by the laying out of highways. Failure to apply for damages within said twelve months shall be held to be a waiver of the same.

Shall be liable for all damages occasioned by the use of streets.

—damages, how assessed, if parties fall to agree.

Section 6. Said corporation is hereby authorized to lay down and maintain in and through the streets and ways of the town aforesaid, all said pipes, aqueducts and fixtures as may be necessary for the purposes hereinbefore specified.

May lay pipes and aqueducts in streets of town of Anson.

Said town of Anson is hereby authorized to contract with the said corporation for a supply of water for fire or for other purposes for a term of years, and at the expiration of such contract to renew or change the same.

—town authorized to contract for supply of water.

Section 7. Said corporation shall not by this charter acquire any rights to, or interfere in any way with the existing rights of those persons who are now supplying water from springs to the inhabitants of Anson, or with the rights of such person or persons as may desire to take spring water for their own use and furnish it to such other person or persons as may wish for said spring water.

Shall not interfere with existing rights.

Section 8. Said town of Anson or any quasi-public service corporation, chartered as a water district in said Anson in said county of Somerset, at any time after the expiration of five years from the passage of this act and after a vote in legal town meeting to that effect, or a vote passed at a meeting of said water district, shall have the right to purchase, and by this

Water works subject to be taken over after five years.

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act said corporation is required to sell to said town or said water district, said system of water works, including everything herewith, together with the franchise of said corporation, at a price to be agreed upon between said company and said town, or said water district, and if said price cannot be agreed upon, then at a price that shall be determined by a commission of three competent and disinterested men to be appointed by the chief justice of the supreme judicial court of Maine. In determination of said price said commission shall allow for said franchise a sum not to exceed three hundred dollars. The award of said commission shall be binding upon said company and said town, or water district, and said town or water district shall pay the amount of said award for said system of water works and franchise within ninety days from the date when such award shall be rendered. The cost of said commission shall be borne equally by said company and said town or water district.

—price to be agreed upon.

—price, how determined in case of disagreement.

Capital stock.

Section 9. The capital stock of said corporation shall not exceed eighty thousand dollars.

First meeting, how called.

Section 10. The first meeting of said corporation may be called by written notice thereof, signed by any two corporators named herein, served upon each corporator by giving him the same in hand, or by leaving the same at his last or usual place of abode, seven days at least before the time of meeting.

May issue bonds.

Section 11. Said corporation is hereby authorized to issue bonds, not to exceed in amount its capital stock, the same to be a first lien upon its franchise and property.

Proviso.

Section 12. Provided, that this act shall not take effect except so far as the organization of said Anson Water Company is concerned, until said Anson Water Company shall have first purchased and paid for the entire plant and all of the rights, properties, franchises and privileges of the Madison Water Company, which said company is hereby authorized to sell, at a price to be mutually agreed upon between said Madison Water Company and said Anson Water Company. All valid contracts existing between the Madison Water Company and any persons or corporations for supplying water shall be assumed and carried out by said Anson Water Company. Said Madison Water Company is hereby authorized to purchase the franchise granted by this act, at a price to be mutually agreed upon.